

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
BROWNSVILLE DIVISION**

STATE OF TEXAS, <i>et al.</i>)	
)	
)	
Plaintiffs,)	
)	No. 1:14-cv-254
v.)	
)	
UNITED STATES OF AMERICA, <i>et al.</i>)	
)	
Defendants.)	

UNOPPOSED MOTION TO STAY MERITS PROCEEDINGS

Consistent with this Court’s January 19, 2017, Order, the parties have met and conferred on how to proceed in this case. For the reasons stated below, Defendants move to continue the stay of proceedings on the merits of Plaintiffs’ claims, including the obligation to propose a schedule for resolution of the case, until June 15, 2017. The Plaintiffs and the Intervenor do not oppose the relief sought in this motion. The basis for this motion is as follows:

1. This Court previously stayed the merits of this litigation, including the obligation to propose a schedule to resolve the merits of this action, pending Fifth Circuit and Supreme Court proceedings so that the Court and the parties could benefit by knowing the disposition of any appeal. *See* ECF Nos. 164, 200, 271, 320, 364, 422; Minute Entry (Aug. 31, 2016).

2. On January 19, 2017, this Court granted the parties’ joint motion to stay proceedings to allow for the new administration to consider next steps in this litigation following completion of those appellate proceedings. *See* Order, January 19, 2017 (ECF No. 435) (recognizing “the vagaries involved in a change of administrations”). In that Order, this Court

further noted that it “will consider an additional stay if good cause exists and if agreed to by all the parties.” *Id.*

3. Good cause exists to continue the stay. On February 20, 2017, John Kelly, Secretary of Homeland Security, issued a memorandum providing new guidance on immigration enforcement. *See* Enforcement of the Immigration Laws to Serve the National Interest,, *available at* https://www.dhs.gov/sites/default/files/publications/17_0220_S1_Enforcement-of-the-Immigration-Laws-to-Serve-the-National-Interest.pdf. Although that memorandum did rescind previous enforcement guidance, the November 20, 2014, policy at issue in this case—“Exercising Prosecutorial Discretion with Respect to Individuals Who Came to the United States as Children and with Respect to Certain Individuals Who Are the Parents of U.S. Citizens or Permanent Residents”—was specifically excluded from rescission. *Id.* at 2. Rather, Secretary Kelly stated in his February 20, 2017, guidance, that “[t]he November 20, 2014, memorandum will be addressed in future guidance.” *Id.* at 2 n.1. Because that future guidance has not yet been issued, Defendants believe a stay will promote judicial efficiency. Any future guidance will have a direct bearing on proceedings in this case. In the meantime, this Court’s preliminary injunction of February 16, 2015, would remain in effect for the duration of any stay.

4. Accordingly, Defendants respectfully submit that further proceedings on the merits of this case, including the submission of a schedule for resolving the merits, should be stayed until June 15, 2017. Because no party opposes a stay of the merits proceedings, moreover, the balance of interests weighs heavily in favor of granting that stay.

Dated: March 17, 2017

ABRAN MARTINEZ
Acting United States Attorney

DANIEL DAVID HU
Assistant United States Attorney
Deputy Chief, Civil Division

Respectfully submitted,

CHAD A. READLER
Acting Assistant Attorney General

JENNIFER D. RICKETTS
Branch Director, Federal Programs Branch
Attorney-in-Charge (VA Bar No. 29281)

JOHN R. TYLER
Assistant Branch Director

/s/ Julie S. Saltman

JULIE S. SALTMAN (D.C. Bar No. 975015)

DANIEL HALAINEN

Trial Attorneys

Civil Division, Federal Programs Branch

U.S. Department of Justice

P.O. Box 883

Washington, D.C. 20044

Tel.: (202) 532-4252

Fax: (202) 616-8470

Julie.Saltman@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF CONFERRAL

Undersigned counsel hereby certifies that counsel for Plaintiffs, Adam Bitter, and counsel for Intervenor, Jack Salmon, concurred in the filing of this Unopposed Motion to Stay Merits Proceedings.

/s/ Julie S. Saltman
Counsel for Defendants

CERTIFICATE OF SERVICE

Undersigned counsel hereby certifies that a true and correct copy of the foregoing Unopposed Motion to Stay Merits Proceedings has been delivered electronically on March 17, 2017, to counsel of record via the District's ECF system.

/s/ Julie S. Saltman
Counsel for Defendants